



PETITION NUMBER: 0611-VS-066 (0808 Amendment)
SUBJECT SITE ADDRESS: 19901 Lamong Road
APPELLANT: Stefanie L. Collier
REQUEST: The Appellant is requesting an amendment to the first condition of a previously approved Variance of Standard (0611-VS-066) to extend the timeframe to start construction of the residence after the issuance of the barn/stable permit by 36 months.

CURRENT ZONING: AG-SF1
CURRENT LAND USE: Horse Riding Business and Stables

**APPROXIMATE
ACREAGE:** 16.6

RELATED CASES:

1. 0611-SE-002 (Special Exception to allow horse riding business)
2. 0611-VS-064 (Variance to allow accessory building that is not subordinate to primary building)
3. 0611-VS-065 (Variance to increase accessory building height)
4. 0611-VS-066 (Variance to allow accessory building before primary building)

EXHIBITS:

1. Staff Report, 08/12/08
2. Aerial Location Map, 08/12/08
3. Property Card, 08/04/08
4. BZA Staff Report (0611-VS-066), 11/20/06
5. BZA Letter of Grant, 11/29/06
6. ILP Application for barn, 06/11/07
7. Appellant's Application and Plans, 07/14/08

STAFF REVIEWER: KMT

PETITION HISTORY

The August 12, 2008 Board of Zoning Appeals meeting represents the first hearing of this petition before the Board.

PROPERTY HISTORY

On November 20, 2006, the Board of Zoning Appeals approved multiple variance requests and a special exception request for the subject property (see 'RELATED CASES' above). On June 11, 2007, a building permit was issued for the barn/stable. A site visit confirmed that the barn/stable structure has been constructed.



There are no additional variances or special exceptions for the subject property. There are no pending code enforcement cases for the subject property. There are no previous subdivision plats, development plan, site plan, or rezoning cases for the subject property.

ANALYSIS

Variance case 0611-VS-066 was approved with two (2) conditions: 1) that “construction of the residential structure will commence within eighteen (18) months after the barn/stable permit is issued”; and 2) that “a certificate of occupancy will be issued within eighteen months of the permit being issued for the residence” (see Exhibit 5). In order to comply with the terms of the first condition, construction on the residential structure would have to commence by December 11, 2008.

The submitted application cites the current conditions of the economy as the reason for requesting a 36-month extension of this commitment. A 36-month extension would result in construction commencing by December 11, 2011. The submitted application does not specifically detail how or why the current economy makes it impossible to comply with the condition to start building by December 11, 2008.

PROCEDURAL

This item does require a public hearing. There are no further findings because the request is for an amendment to an existing condition of approval.

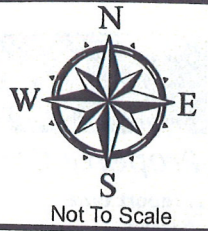
RECOMMENDATIONS

Approve a 12-month extension, which would result in construction of the residence commencing by December 11, 2009.

KMT

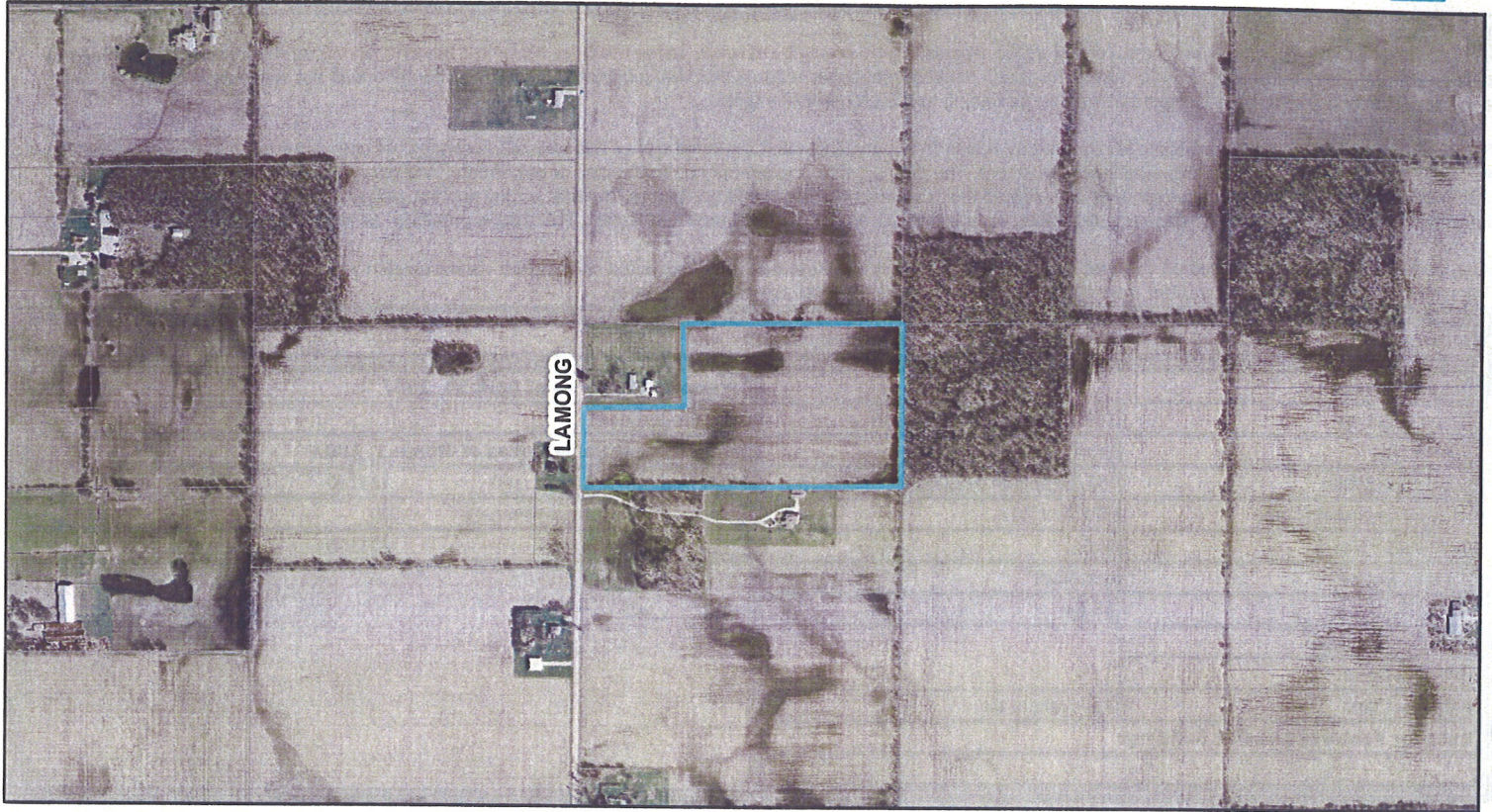


0611-VS-066 (0808 Amendment)
08-05-21-00-00-018.002
19901 Lamong Road
Exhibit 2

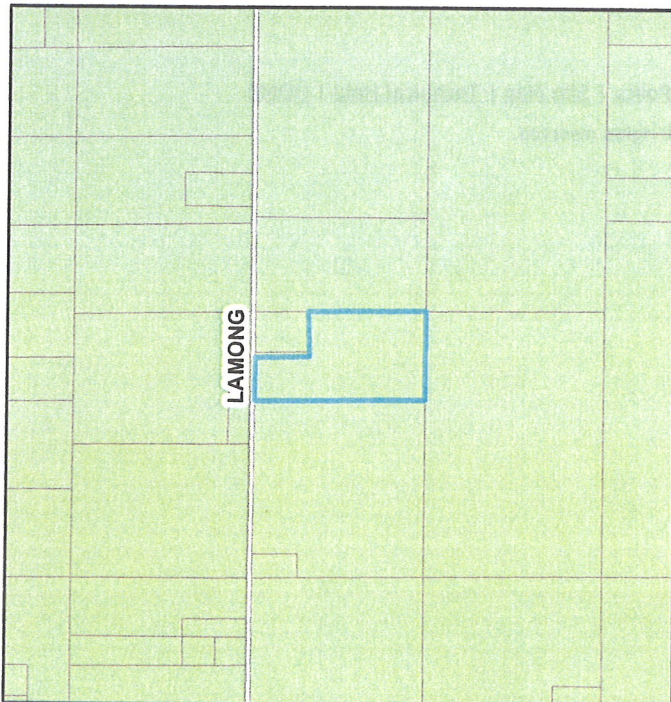



Not To Scale

Aerial Location Map

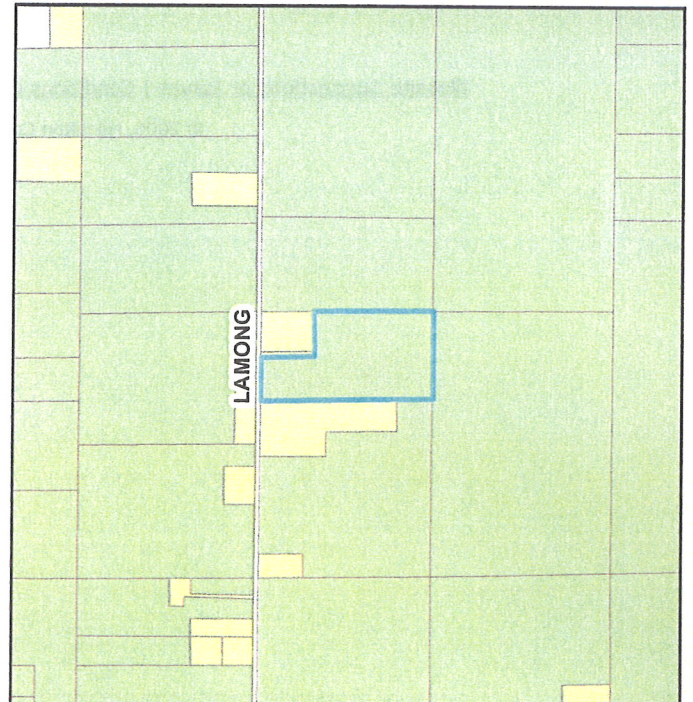





Zoning Map



 Agriculture - Single Family 1

Existing Land Use Map (2008)



 Agriculture
 Residential
 Vacant

co.HAMILTON.in.us

Official government site of Hamilton County, Indiana

Online Services

Property Card Report**1. report type**

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

Disclaimer:

This program allows you to view and print certain public records. **Each report reflects information as of a specific date**; so the information provided by different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. It may not reflect the current information pertaining to the property of interest.

The information located on this web site is provided by Hamilton County, Indiana. Continued use of this web site is conditional upon your explicit acceptance of the terms and conditions set forth in this disclaimer document. The data provided herein may be inaccurate or out of date. Any person or entity who relies on said information for any purpose whatsoever does so solely at their own risk. Neither Hamilton County, Indiana, or any agency, offices, or employee of any other information provider warrants the accuracy, reliability, or timeliness of any of the data provided herein. This data is provided "as is" without warranty of any kind.

Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 2007**. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-05-21-00-00-018.002**Property Data**

Parcel Location	19901 Lamong Rd, Sheridan
Taxing Unit	Washington
Legal Description	7/5/02 split fr 018.000 fr Macy/Stewa
Section/Township/Range	S21 T19 R03
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	16.64
Effective Frontage	
Effective Depth	
Property Class	Ag - Vacant lot

Exterior Features and Out Buildings**Property Owner as of April 30, 2007**

SLC Properties LLC

Most Recent Valuation as of March 1, 2007

Assessed Value: Land	21100
Assessed Value: Improvements	0
Total Assessed Value:	21100

This application is developed and maintained by the Information System Services Department. If you have any questions or comments, please contact the [Webmaster](#).
© 2005 Hamilton Co.

[Website Suggestions or Issues](#) | [Conditions of Use](#) | [Privacy Policy](#) | [Site Map](#) | [Technical Help](#) | [HOME](#)

© 2006, Hamilton County, Indiana - all rights reserved.

0611-VS-066 The Parcel is on the east side of Lamong Road, Sheridan, Indiana: (16.64) acres at 19901 Lamong Road, R. Ferguson and S. Collier. The Appellants are requesting a variance from the Westfield Washington Ordinance WC 16.04.100 (2) (b) (ii) Accessory Building section. The Appellant is requesting to construct a new accessory building (barn/stable) prior to the erection of the principal building on a site that is zoned AG-SF 1. The Appellants report that they need to start construction on the barn/stable now, as they need to sell their home in Westfield, Indiana.

Exhibits:

1. Staff Report	11/07/2006
2. Location Map	11/07/2006
3. Zoning Map	11/07/2006
4. Boundary Map	11/07/2006
5. Property Card	11/07/2006
6. Development Plan	10/06/2005
7. Comprehensive Plan Map: Figure 40	11/07/2006
8. Application	10/06/2006

Analysis:

The Appellants are requesting this variance, accessory building constructed before principle structure, and two (2) other variances of standard, accessory building being subordinate and building height and a Special Exception to operate a riding stable at 19901 Lamong Road in western Washington Township: See Appellants Site Plan. The site is located in western Washington Township which is predominately used as an agricultural area: See Location Map. The site and all its neighbors are zoned AG-SF1: see Zoning Map. The parcel the Conours are purchasing is rectangular in shape and is deeded as \pm fourteen (13.9) acres: see Property Card. The land uses in the area are large lot residential and agricultural activities: see Site Photos. There appears to be a great deal of residential development pressure in this area of the Township and this variance is a good example of the pressure.

The Appellant is requesting a variance from WC 16.04.100 (2) (b) (iii): that accessory buildings are permitted in all districts; however they shall not be constructed prior to the erection of the principal building. The Appellants state that their intentions are to construct a home on this site (somewhere between 2,000 and 3,500 square feet) and live on site. The issue is moving their horses from another site to the Lamong Road site as soon as possible as the sale of their current location is final. The accessory building section of the Westfield Washington Ordinance does not allow for a barn/stable (accessory) building to be constructed prior to the principle structure.

The applicant's desire is to ultimately construct a residential structure and barn that will meet the needs of the family. The Appellant has not provided a hard time line in terms of construction and or completion of the project. They report having talked with most of the

neighbors with no objections noted. The registered receipt mailings were sent to the neighbors and to date the Community Development Department has not had any contacts remonstrating the development on Joliet Road.

The Comprehensive Plan recommendations that would affect this site are not appropriate as the northwest section of the Township was not addressed. The Plan is a culmination of the 2020 Growth Plan; Regional Employment Areas; Downtown Historic Areas; Residential Areas; Local Retail Areas; and the Community Connections. Therefore, changing the land use from agricultural to residential is not a dramatic alteration. The current land use in the area is large scale single family. This development would be in accordance with that kind of development.

Variance of Development Standards Findings:

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a) **The granting of such variance will not be injurious to public health, safety, morals, and general welfare of the community;**

Findings: The appellant's proposal will not be injurious to public health, safety, or general welfare of the community. This site is surrounded by residential land uses, some small scale agricultural and vacant land. The placement of the barn before the principle structure is only temporary.

- b) **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;**

Findings: It is without merit that the variance requested would affect the use and or value of adjacent properties in a substantially adverse manner. The effect of the placement of the barn/stable on a parcel, approximately seventeen acres (16.64) will be negligible. The site is surrounded by large lot residential land use, with some active agricultural and this development would match the fabric of the area.

- c) **The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought;**

Findings: The strict application of ordinance standards will constitute an unnecessary hardship if applied to the subject property. The appellant request is logical when the topography and natural elements that are on site are examined. The lot (16.64 acres) can handle both a residential structure and a barn/stable submitted.

NOTE: If the Board does not determine ALL findings of fact in favor of the Appellant, then it may not legally approve the variance request.

Recommended Motion:

Approve this variance of Development Standards request per the findings of this report with the following condition:

1. Construction of the residential structure will commence within eighteen (18) months after the barn/stable permit is issued.

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD WASHINGTON TOWNSHIP
PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

November 29, 2006

Mr. Richard Furgason
Ms. Stephanie Collier
11377 Brentwood Avenue
Zionsville, IN 46077

Re: 0611-VS-064, 0611-VS-065, 0611-VS-066 and 0611-SE-002 Furgason

Dear Mr. Furgason and Ms. Collier:

The Westfield-Washington Township Board of Zoning Appeals met on Monday, November 20, 2006 to review:

0611-SE-002: 19903 Lamong Road: Richard Furgason and Stefanie Collier:
The Appellants are requesting a Special Exception from the
Westfield Washington Zoning Ordinance to establish a
horse riding business at this location

0611-VS-064: 19903 Lamong Road: Richard Furgason and Stefanie Collier:
The Appellants are requesting a Variance of Standard from the
Westfield Washington Zoning Ordinance to establish an accessory building
that is not subordinate to the residential structure at this location

0611-VS-065: 19903 Lamong Road: Richard Furgason and Stefanie Collier:
The Appellants are requesting a Variance of Standard from the
Westfield Washington Zoning Ordinance to establish an accessory building
that is greater than eighteen feet at this location

0611-VS-066: 19903 Lamong Road: Richard Furgason and Stefanie Collier:
The Appellants are requesting a Variance of Standard from the
Westfield Washington Zoning Ordinance to establish an accessory building
before the residential structure is built at this location

A public hearing was held and the Board voted unanimously to approve 0611-VS-064, 0611-VS-065, 0611-VS-066, and 0611-SE-002 with the following condition:

0611-SE-002

1. Perimeter fence be established to insure animals are contained within the premises.
2. Maximum number of animals on the premises is limited to 29.
3. The riding facility cannot be used for residential purposes.


0611-VS-066

1. Construction of the residential structure will commence within eighteen (18) months after the barn/stable permit is issued.
2. A certificate of occupancy will be issued within eighteen months of the permit being issued for the residence.

At this time, please secure any necessary permits from the Westfield Community Development Department. Failure to do so may result in enforcement action and/or fines.

Please feel free to contact this office at (317) 896-5577 should you have any questions.

Sincerely,


Tom Higgins, AICP
Senior Planner

Prepared by: Thomas P. Higgins, Senior Planner

Improvement Location Permit Application

Westfield - Washington Township

Permit App. No. 07-RAC-00-270Date Filed: 6-11-07

Location of Construction Activity:

Lot Number: _____ in Section _____ of _____ Addition.
Street Number and Name: 19901 LAMONG RD.SHERIDAN INDIANA 46069Township/Jurisdiction: Westfield - Washington Township

Parcel Number: _____

If property does not include one or more lots in a subdivision, the plat of which has been recorded in the Office of the County Recorder, a legal description of the property must be attached. 08-05-21-00-00-018-002

Is the subject property in a special flood hazard area, as established by the Federal Emergency Management Agency - National Flood Insurance Program, as per flood insurance rate map (check appropriate box).

☐ Yes ☒ No Panel number: 13057C 0105F If Yes, flood zone: _____

Type of Sewage Disposal (check appropriate box):

☐ Public System ☒ Private System

If public, name of system: _____

If private, septic permit number: 2007-00058

Type of Water Supply (check appropriate box):

☐ Public System ☒ Private Well

If public, name of system: _____

If private, well permit number: 2007-0051Current Zoning Classification of property: AG SF - 1Current use of property: VACANT

Owner/Applicant:

Name: STEFANIE L. COLLIERTelephone: 317-441-9954

Mailing Address:

38 W. QUAIL WOOD LANE
WESTFIELD IN 46074

Builder/Contractor:

Name: DESIGNED STRUCTURES INCTelephone: 317-758-6237

Mailing Address:

3901 W. S.R. 47 SUITE 14License Number: SHERIDAN IN 46069

Intended/Proposed Use

Residential

- ☐ One-Family
☐ Two-Family
☐ Multi-Family: # of units _____
☐ Modular Home
☐ Mobile Home
☐ Attached Addition: Use _____
☐ Detached Addition: Use _____
☐ Other: _____

Non-Residential

- ☐ Retail Commercial
☐ Office/Professional
☐ Hotel/Motel
☐ Industrial
☐ Institutional
☐ Accessory Building
☒ Structure other than a Building
☒ Other: BARN

Type of Improvement

- ☐ New Structure
☐ Addition
☐ Alteration, Remodel, or Repair
☐ Commercial Tenant Space
☐ Primary Agricultural Structure
☐ Foundation Only
☐ Electrical Upgrade
☐ Demolition
☐ Swimming Pool
☐ Accessory Structure
☐ Garage: Detached? Attached?
☐ Deck or Porch
☐ Fence
☐ Roofing
☐ Site-Land Improvements
☐ Sign
☐ Other: _____

Building Information:

Dimensions

Submitted by Applicant

Required by Ordinance

Does it Conform?

Frontage

Lot Width

Lot Depth

Lot Area

1st Floor living area

Max. Building Height

Total Sq. footage

(including basement)

Front Yard (ft.)

Rear Yard (ft.)

Side Yards

Type of Heating Fuel:

Type of Water Heat:

Fireplace:

Is there Central Air Conditioning?

Is there a Basement?

Roof Truss, Manufactured?

Type of Frame:

Estimated Cost of Construction (Excluding Land Value): \$200,000

Certification and Notice of Intent to Comply:

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that construction will comply with, and conform to, all applicable laws of the State of Indiana.

I further certify that the construction will conform to the regulations in the Building Code, the Zoning Ordinance, or private, or the governing jurisdiction, which may be imposed on the above property by deed.

I further certify that the construction will not be used or occupied until proper certificates of occupancy and compliance are filed with the governing jurisdiction.

Signature of Owner or Authorized Agent Date: _____

Improvement Location Permit Application

Town of Westfield - Washington Township, Indiana

Permit App. No. 07-PAC-010-270Date Filed : 6-11-07**Required Attachments:****Properties within corporate city limits:**

1. ☒ Legal description of property.
2. ☒ Two sets of site plans showing:
 - A. Property lines on all sides.
 - B. Location of existing structures on property with dimensions to property lines.
 - C. Size of existing structures.
 - D. Location of right-of-way and utility easements where applicable.
 - E. Subdivision lot number / street address.
3. ☐ Two sets of blueprints of the work showing:
 - A. Foundation plan.
 - B. Floor plan of each floor showing window locations, door locations, etc.
 - C. Cross section drawing of structure showing footing through shingles denoting sizes or thickness of all members used in construction.

Properties in Washington Township must include the following in addition to the prior list of documentation:

1. ☐ Hamilton County Health Department approval stamp on floor plans.
2. ☐ Septic system permit and well permit (new construction only) from:
 - A. Hamilton County Health Department, or
 - B. Hamilton Western Utilities, or
 - C. Proof of connection to State approved private utility.
3. ☐ Driveway cut application from Hamilton County Highway Department.

Variance Number: 06-11-VS-064 06-11-SE-002
06-11-VS-065
06-11-VS-066

Plan Commission Number: _____

FeesPermit Fees: 1425.80

Road Impact Fees: _____

Park Impact Fees: _____

Water Fees: _____

Sewer Fees: _____

Inspection Fees: 140.00

Irrigation Fees: _____

Total: 1565.80**Staff Comments****Construction Approval Stamp:****APPROVED**Subject To All Building And
Zoning Ordinances.DATE 6-11-07BY J.W. / T.S.
Building Commissioner
Westfield-Washington Twp.

Do not issue this permit without a proper stamp!

DET. HORSE BARN (22,680 sq ft)**Community Services Department * Town of Westfield - Washington Township, Indiana**

130 Penn Street

Westfield, Indiana 46074

Phone: (317) 896-5577

Fax: (317) 896-2791

Web: www.westfieldtown.org

TOWN OF WESTFIELD, INDIANA

Petition Number:

0611-VS-0666

Date of Filing:

07/14/08

**Application for VARIANCE OF DEVELOPMENT STANDARD
Westfield – Washington Township
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Stefanie L. Collier
 Address ~~31 W. Ohio~~ 11377 Brentwood Ave
Zionsville, IN 46077
 Telephone Number _____
 E-Mail Address _____
2. Landowner's Name Stefanie L. Collier
 Address 19901 Lamong Rd.
Sheridan, IN 46069
 Telephone Number _____
3. *Representative _____
 *Address _____
 *Telephone Number _____
 *Email Address _____

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
19901 Lamong Rd Sheridan, IN 46069
5. Legal description of property (list below or attach)
See Attached copy
6. Complete description of the nature of the development standard variance applied for:
Asking for an ammendment to variance of Standard
0611-VS-0666. Extention to time allotment for
residential structure due to financial status due
to economy

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- Lot(s) shape and dimensions;
 - Location and dimensions of existing and proposed structures;
 - Location and dimensions of existing and proposed points of ingress and egress; and
 - All topographic and natural features and/or other unusual characteristics associated with the property.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

Will Not.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

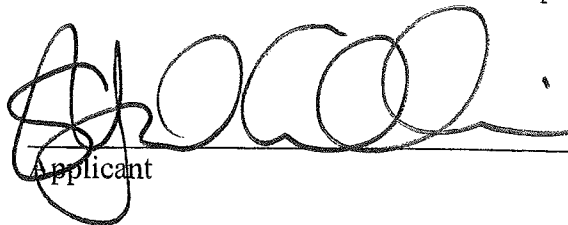
Will Not.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

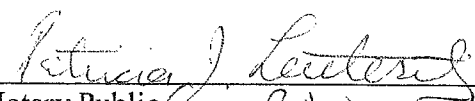
N/A to ordinance. The condition of variance of standard ~~is reason for~~ this filing.

TOWN OF WESTFIELD, INDIANA

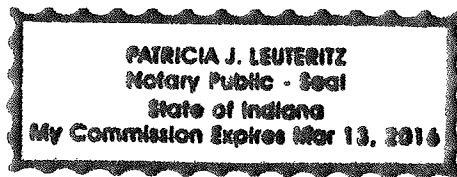
The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.


Applicant

SUBSCRIBED AND SWORN TO ME THIS 10 DAY OF July, 2008.


Notary Public Patricia J. Leuteritz

My commission expires: 3/13/2016



ALTA Commitment Schedule A

Chicago Title Insurance Company

Hamilton Title Security, LLC

COMMITMENT FOR TITLE INSURANCE

Commitment No.: 2061866

Legal Description:

Part of the South Half of the Northwest Quarter of the Southwest Quarter of Section 21, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the Northwest corner of the South Half of the Northwest Quarter of the Southwest Quarter of Section 21, Township 19 North, Range 3 East; thence South 00 degrees 00 minutes 18 seconds West (assumed bearing) 350.00 feet on and along the West line of said Southwest Quarter to a mag nail at the point of beginning of this description; thence South 00 degrees 00 minutes 18 seconds West 314.22 feet on and along the West line of said Southwest Quarter to a mag nail at the Southwest corner of the Northwest Quarter of said Southwest Quarter; thence North 89 degrees 19 minutes 27 seconds East 1321.10 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying at the Southeast corner of the Northwest Quarter of said Southwest Quarter; thence North 00 degrees 01 minute 15 seconds East 663.85 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying at the Northeast corner of the South Half of the Northwest Quarter of said Southwest Quarter; thence South 89 degrees 20 minutes 25 seconds West 335.28 feet, more or less, on and along the North line of the South Half of the Northwest Quarter of said Southwest Quarter to a 5/8" iron rod with yellow cap stamped Miller Surveying being North 89 degrees 20 minutes 25 seconds East 436.00 feet from the Northeast corner of the South Half of the Northwest Quarter of said Southwest Quarter; thence South 00 degrees 00 minutes 18 seconds West 350.00 feet parallel with the West line of said Southwest Quarter to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence South 89 degrees 20 minutes 25 seconds West 436.00 feet to the point of beginning.

End of Legal Description